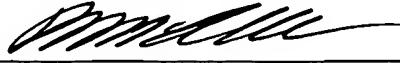


Attorney Docket No. 41743.8001.US00

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Date: APRIL 10, 2007

By: 

Rena Iov

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: ENRIQUE ZUDAIRE UBAÑI ET AL.

APPLICATION No.: 10/658,602

FILED: SEPTEMBER 8, 2003

FOR: **PROTOCOL AND SOFTWARE FOR  
MULTIPLEX REAL-TIME PCR  
QUANTIFICATION BASED ON THE  
DIFFERENT MELTING TEMPERATURES**

EXAMINER: JASON M. SIMS

ART UNIT: 1631

CONF. No: 6049

**Information Disclosure Statement After First Office Action but Before  
Final Action or Notice of Allowance – 37 C.F.R. § 1.97(c)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

The information transmitted herewith is being filed after three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

04/16/2007 RIBALANCO 00000001 592586 18658602

Copies of the following references are enclosed:

81 FC:1866

180.00 DA

- All cited references
- References marked by asterisks
- The following: Reference with Cite Nos. B1 through B72.

- Copies of the following references can be found in parent U.S. Application No. :
  - All cited references
  - References marked by asterisks
  - The following:
- This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).
- The following references are not in English. For each such reference, the undersigned has enclosed: (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference; (iii) a copy of a reference which appears to be an English-language counterpart; or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.
  - All cited references
  - References marked by ampersands
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3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment (37 C.F.R. § 1.97(c)) or Certification (37 C.F.R. § 1.97(e))

- Applicants elect to pay the fee under 37 C.F.R. § 1.17(p) \$180.00.
  - Check enclosed for \$
  - Please charge the above fee(s) to Deposit Account No. 50-2586.
- Applicants submit that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):
  - In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart

foreign application not more than three months prior to this filing of this statement; or

- In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.
- Please charge any underpayment for timely filing of this paper to Deposit Account No. 50-2586.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

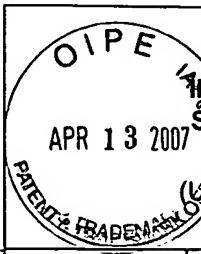
- The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,  
Perkins Coie LLP

Date: 4/9/07

  
James J. Zhu, Ph.D.  
Registration No. 52,396

Correspondence Address:  
Customer No. 34055  
Perkins Coie LLP  
Patent – LA  
P.O. Box 1208  
Seattle, WA 98111-1208  
Phone: (310) 788-9900  
Fax: (310) 788-3399



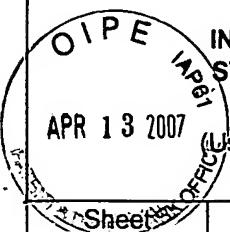
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Application Number	10/658,602				
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Filing Date	September 8, 2003				
First Named Inventor	Enrique Zudaire Ubani				
Group Art Unit	1631				
Examiner Name	Jason M. Sims				
Sheet	1	of	8	Attorney Docket No.	41743.8001.US00

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document
		NUMBER	Kind Code (if known)		
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	A20	US 2003/0096986		Mei et al.	05/22/2003

#### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
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Sheet 2 of 8

2 of 8

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published.	T
	B1	Ball, T. et al, Improved mRNA Quantification in LightCycler RT-PCR, <i>Int. Arch Allergy Immunol.</i> 130: 82-86 (2003).	
	B2	Bohling, S.D. et al, Rapid Simultaneous Amplification and Detection of the MBR/JH Chromosomal Translocation by Fluorescence Melting Curve Analysis, <i>Am. J. Path.</i> 154: 97-103 (1999).	
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Examiner Name	Jason M. Sims

Sheet **3** of **8** Attorney Docket No. **41743.8001.US00**

**OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS**

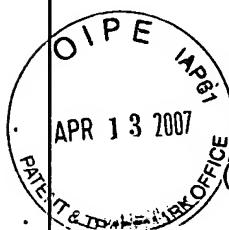
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Sheet 5 of 8 Attorney Docket No. 41743.8001.US00

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Group Art Unit	1631
Examiner Name	Jason M. Sims

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <b>Form PTO-1449 (Modified)</b> <b>(Use several sheets if necessary)</b>				<b>COMPLETE IF KNOWN</b>	
				Application Number	10/658,602
				Confirmation Number	6049
				Filing Date	September 8, 2003
				First Named Inventor	Enrique Zudaire Ubani
				Group Art Unit	1631
				Examiner Name	Jason M. Sims
Sheet	8	of	8	Attorney Docket No.	41743.8001.US00

#### OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

EXAMINER	DATE CONSIDERED
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**\*EXAMINER:** Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).